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6 Attorneys for Defendant
NATIONAL RAILROAD PASSENGER CORPORATION
7 D/B/A AMTRAK

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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12

13 KEVIN M. THOMPSON,

14 Plaintiff,

15 v.

16 NATIONAL RAILROAD PASSENGER
17 CORPORATION dba AMTRAK

18 Defendants.
19

Case No: C 08-03280 CRB

STIPULATION TO CONTINUE
HEARING ON MOTION TO
DISMISS; DECLARATION OF
COUNSEL; ORDER

Local Rule 6-2

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21 The undersigned parties, by and through their counsel of record, hereby stipulate pursuant
22 to Local Rule 6-2 that the hearing on the pending motion to dismiss filed by defendant National
23 Railroad Passenger Corporation d/b/a Amtrak, currently set for February 20, 2009, be continued
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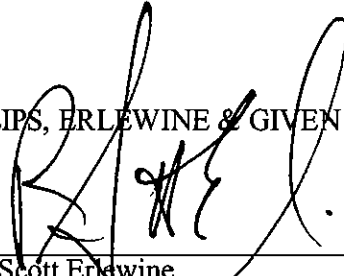
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1 to March 27, 2009, with the deadlines to file opposition and reply papers corresponding to the
2 new hearing date.

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4 DATED: January 29, 2009

PHILLIPS, ERLEWINE & GIVEN LLP

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6 By: 
7 R. Scott Erlewine
8 Attorneys for Defendant National Railroad
9 Passenger Corporation, d/b/a Amtrak

10 DATED: January 29, 2009

11 
12 Daniel Berko
13 Attorney for Plaintiff Kevin M Thompson

14 DECLARATION OF COUNSEL

15 R. Scott Erlewine declares:

16 1. I am a partner with Phillips, Erlewine & Given LLP, counsel for defendant
17 National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in this case. The matters
18 stated in this declaration are based upon my personal knowledge.

19 2. The court has assigned this case to mediation, which is scheduled to occur on
20 February 23, 2009.

21 3. Amtrak has pending a Motion to Dismiss the Sixth Claim For Relief in plaintiff's
22 Second Amended Complaint, which is currently scheduled for hearing on February 20, 2009.

23 4. In order to avoid the time and expense of plaintiff having to respond to Amtrak's
24 pending motion to dismiss prior to the mediation, the parties hereby request that the hearing on
25 the pending motion be continued to March 27, 2009, with the deadlines to file opposition and
26 reply papers corresponding to the new hearing date.

27 5. There have been no prior continuances of the hearing on the pending motion to
28 dismiss.

